

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26686 of 2024

Arising Out of PS. Case No.-504 Year-2023 Thana- DAUDNAGAR District- Aurangabad

Rahul Kumar Son of Suryadeo Paswan @ Surajdev Paswan Resident of
Village- Utrawan, Police Station- Khijarsarai, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 09-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Daudnagar P.S. case No. 504 of 2023 instituted for the offences under Sections 420, 379 of the Indian Penal Code and later on Sections 66(C)(D) of the I.T. Act was added.

3. On the alleged date and time of occurrence, an unknown person fraudulently withdrew Rs. 35,000/- from the account of the informant using ATM Card in the name of providing assistance to the informant's brother to withdraw cash from ATM machine.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in the



present case due to suspicion. Petitioner is not named in the FIR as the same has been registered against unknown. He further submitted that during investigation, one Rahul Kumar was arrested in this case and it is clear from the FIR that the occurrence was executed by only one person but police have falsely implicated this petitioner by showing him as a member of gang without any material against him which is complete abuse of law. He further submitted that there is a delay of about 20 days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that T.I.P. has not been conducted till date to ascertain his involvement in the alleged occurrence. Charge-sheet has been submitted in this case and, as such, there is no chance of tampering with the evidence. It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.11.2023 and has four criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the



petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Daudnagar P.S. case No. 504 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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